

REMARKS

No claims are amended. Claims 1-25 and 27-29 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Each issue raised in the Office Action mailed June 19, 2008 is addressed hereinafter, in order of appearance.

Claims 15-25 and 27-29 stand rejected under 35 U.S.C. § 101 as non-statutory because the claims fail to place the invention squarely within one statutory class of invention (Office Action, page 3). This assertion is respectfully traversed.

The Office Action goes as follows:

On page 25-26, paragraph 0079-0081 of the instant specification, applicant has provided evidence that applicant intends the “medium” to include Punchcard, SIGNAL and transmission Media. As such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Applicant disagrees that any claim is “drawn to a form of energy”. Applicant also disagrees with any suggestion that Applicant intends the term “medium” to mean anything by itself. Applicant’s claim language must be read in its entirety. For example, Claim 15 reads as follows, in its entirety: A computer-readable storage medium carrying one or more sequences of instructions which, when executed by one or more processors, causes the one or more processors to perform the method recited in Claim 1.

Using Claim 15 as an example, Applicant uses the phrase “computer-readable storage medium”, not just the word “medium” as suggested in the Office Action. This is significant because a computer-readable **storage** medium should not be interpreted as a form of energy. Energy can transmit instructions, but cannot, on its own, store instructions.

Regarding transmission media, it is true that the specification gives examples of transmission media. However, the claims have been amended to cover only “storage”,

thereby excluding transmission media. It is improper to reject a claim under 35 U.S.C. §101 for subject matter that the claim doesn't even cover.

For at least the above reasons, the rejection of Claims 15-25 and 27-29 under 35 USC §101 are invalid and should be withdrawn.

Claims 1-7, 11, 14-21, 25, and 29 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Reiner (US Patent No. 6,289,334) in view of Borden (US Patent No. 5,495,606). This rejection is respectfully traversed.

Claim 1 recites, inter alia, the following:

. . . causing a plurality of slave processes to perform said at least one operation by  
**sharing** the set of information with each slave process of said plurality of slave processes, wherein the set of information shared with each slave process includes  
(a) information about a task to be performed by said slave process, and  
(b) information about one or more tasks, to be performed by processes **other than** the slave process, to execute the database statement; and  
sending to each slave process of said plurality of slave processes data that indicates which part of the set of information **shared** with the slave process represents the part of the at least one operation that should be performed by the slave process. (emphasis added)

The rejection of Claim 1 is confusing in that it is unclear exactly which portion of Reiner is being equated to the claimed "slave processes". The Office Action is formatted in such a way that any of subqueries, threads, subcursor, executor functions, or pnodes could potentially be what is alleged to be the claimed "slave processes". In addressing this portion of the claims, the Office Action notes that Reiner discloses referencing pnode types having two executor functions which share the same pnode data structure (Office Action, Page 5, Paragraph 3; referencing Reiner's col. 42, lines 16-25). However, it is unclear which portion of Applicant's claims this section is relevant to. Acknowledgement and clarification is respectfully requested.

The Office Action cites Reiner for “having two executor functions which share the same pnode data structure”. Meanwhile, Applicant claims, inter alia, “. . . sharing <a> set of information with each slave process of said plurality of slave processes”. It is possible that the Office Action intends for Reiner’s two executor functions to correspond to the claimed “slave processes”, and for Reiner’s pnode data structure to correspond with the claimed “information”.

If so, there is a flaw with such correspondences. Applicant is not claiming merely sharing some information with all slaves. Instead, as shown within the (a) and (b) sections highlighted above, the information shared with one particular slave contains information about that the various tasks being performed by other slaves. Reiner’s executor functions do not have such an arrangement with Reiner’s pnode data structures.

Next, the Office Action describes how Reiner’s host variables are referenced identically in all parallel subqueries of the same pcursor (Office Action, Page 5, bottom paragraph). From this, it is possible to assume that Reiner’s parallel subqueries are meant to correspond with the claimed slave processes, and the host variables are meant to correspond with the claimed “information”. Such an assumption is reinforced by a quote from Reiner on page 6 of the Office Action, which states that a root cursor’s bind descriptor can be shared by parallel subqueries (quoting Reiner’s column 60, lines 31-61). Thus, the assumption that Reiner’s parallel subqueries correspond to the claimed slave processes is doubly reinforced.

However, if the assumption is true, Reiner’s parallel subqueries do not match up with the claimed slave processes. The host variables are described as being “referenced identically in all subqueries”, while the claimed information comprises (a) information about a task to be performed by that slave process, and (b) information about one or more tasks to be performed by processes **other than** that slave process. Thus, the claimed information referenced in (a) and (b) is never “referenced identically” among all slave processes. Again, as stated, Applicant is not claiming merely sharing some information with all slaves. Instead, as shown within the (a) and (b) sections, the information shared with one particular slave

contains information not only about the task being performed by itself, but also information about that the various tasks being performed by other slaves.

For at least the above reasons, the rejection of Claims 1-7, 11, 14-21, 25, and 29 under 35 USC 103, as well as the rejections of all claims dependent therefrom, are invalid and should be withdrawn.

The Office Action cites Borden for the portion of the claim which recites “sending to each slave process of said plurality of slave processes data that indicates which part of the set of information **shared** with the slave process represents the part of the at least one operation that should be performed by the slave process” (emphasis added). Applicant understands and acknowledges that the Office Action is not using Borden to suggest the information itself. However, it is not possible to overlook that even this last clause of Claim 1 also contains the word “shared” as highlighted above. This is significant because within Borden, information/queries are always split, but are never “shared”. Borden’s slave processors 20B-20H and 52-53 never share any information, and thus cannot suggest the claimed step.

For at least the above reasons, the rejection of Claims 1-7, 11, 14-21, 25, and 29 under 35 USC 103, as well as the rejections of all claims dependent therefrom, are invalid and should be withdrawn.

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by e-mail or telephone relating to any issue that would advance examination of the present application. As per MPEP Chapter 5, Applicant acknowledges that Internet communications may not be secure.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and  
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other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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